

**STATEMENT OF**  
**DAVID M. TUCKER**  
**SENIOR ASSOCIATE LEGISLATIVE DIRECTOR**  
**PARALYZED VETERANS OF AMERICA**  
**BEFORE THE**  
**SUBCOMMITTEE ON BENEFITS OF THE**  
**HOUSE COMMITTEE ON VETERANS' AFFAIRS**  
**CONCERNING**  
**BENEFITS-RELATED LEGISLATION**  
**PENDING BEFORE THE SUBCOMMITTEE**

**JULY 10, 2001**

Chairman Simpson, Ranking Member Reyes, members of the Subcommittee, on behalf of the Paralyzed Veterans of America (PVA) I am pleased to present our views on benefits-related legislation pending before the Subcommittee on Benefits.

Veterans' benefits must be looked at as a means for a nation to recognize and reward the service of its veterans as well as to encourage future generations to serve with the promise that these benefits will be there for them. The benefits measures we will address today send a message, a message meant to assure the men and women who serve in our Armed Forces that we shall not forget their sacrifices, or their service.

For veterans to receive benefits earned by their service, and their sacrifices, they must first be made aware of them. Two measures, **H.R. 1435**, the "Veterans' Emergency Telephone Service Act of 2001," and **H.R. 1746**, a bill to require the Department of Veterans Affairs (VA) to establish a single toll-free telephone number to ensure public access to veterans benefits counselors, are attempts to accomplish this important goal. PVA has concerns regarding both of these measures.

At this time, PVA is unable to support either H.R. 1435 or H.R. 1746. We note that the VA already has a toll-free telephone number to respond to informational requests. In addition, we believe that the VA should operate any informational hotline that is created in addition to the service it currently operates: the VA has the expertise, and the mandate, to accurately answer informational requests and to assist veterans with their benefits claims. More can be done to make the general public aware of this resource, and more can be done to improve it. We call on the VA to move forward to address the concerns underlying these two measures. By working closely with this Subcommittee and veterans' groups, the VA will be better able to improve its informational resources and make available its expertise in veterans' benefits to veterans and the general public.

It is projected that this year an estimated 10 percent of all Vietnam veterans may suffer from diabetes mellitus, also known as Type 2 diabetes. In the past, they have had to bear the financial burden of this disease because it was not recognized as a service-connected disability. As mandated by the VA, effective on July 9, 2001, Type 2 diabetes will be added to the growing list of disease that are presumed to be service-connected as a result of exposure to herbicides.

Recognizing the need of those effected by Type 2 diabetes is paramount to successfully improving their quality of life. PVA does not oppose **H.R. 862**, but we feel it is unnecessary given the actions undertaken by the VA, and currently authorized and mandated by title 38, to establish by regulation the presumption of service-connection for veterans effected by Type 2 Diabetes. The VA, acting under authority granted in 38 U.S.C. § 1116, determined that there is an association between herbicide exposure and Type 2 diabetes based upon reports of the National Academy of Sciences. Therefore, the goal of the legislation, to provide a presumption of service-connection for Type 2 diabetes, has already been accomplished.

PVA does not oppose **H.R. 1406**, the “Gulf War Undiagnosed Illness Act of 2001.” We have stated in testimony before the Senate that we do not oppose S. 409, the “Persian Gulf War Illness Compensation Act of 2001.” We believe that a more inclusive definition of an “undiagnosed illness,” as found in 38 U.S.C. § 1117, is necessary and we note that Section 2 of H.R. 1406 is a meaningful step forward in accomplishing this goal.

PVA also believes that action must be taken to extend the presumptive period, currently slated to end on December 31, 2001. We are aware that the VA is undertaking a review under authority granted in 38 U.S.C. § 1117(b) to determine if the presumptive period should be extended. If the VA decides that this period should not be extended, then we believe that prompt legislative action will be necessary. PVA does not oppose Section 3, which grants authority to the VA to provide for the participation of Persian Gulf veterans in research projects without fear that information garnered during the course of the research project will be used in adjudicating their entitlement for compensation benefits. PVA believes that this is acceptable as long as the veteran has granted his or her full and informed consent to participate in the research project.

PVA supports **H.R. 1929**, the “Native American Veterans Home Loan Act of 2001.” Since the inception of this pilot program in 1992, and its extension from 1997 to December 31, 2001, 233 Native American veterans, residing on trust lands, have been able to achieve the dream of home ownership. We believe, as we have testified before the Senate that this successful pilot program should be made permanent. We believe that Section 3 of this measure, authorizing the use of other federal memoranda of understanding is an innovative idea that could mean more Native Americans taking advantage of this program. We believe that the reporting requirements, contained in 38 U.S.C. § 3762 (j) should also be extended through 2005, or, if this program is made permanent, as PVA recommends, extended indefinitely. These reporting requirements are slated to expire in 2002.

The National Service Life Insurance (NSLI) program was available between 1940 and 1951. Twenty-two million policies were issued, of which 1.9 million are still in force. The average age of policyholders is 74. The United States Government Life Insurance (USGLI) program was available between 1919 and 1951. Currently, there are fewer than 20,000 policies in force, and the average age of policyholders is 81. **Section 1 of H.R. 2359** would provide a mechanism for the payment of insurance proceeds of policies issued under these two programs when the first beneficiary cannot be identified.

PVA has concerns regarding this section. Many designated beneficiaries may not even be aware that they are beneficiaries, and hence would not be able to make a claim within the two year time period established by this legislation. In addition, this section grants too much discretion to the Secretary to determine who may be “equitably entitled to the proceeds of the policy.” PVA believes that the wishes of policyholders should be followed as far as is practicable. Perhaps the VA should be more aggressive in locating and notifying beneficiaries.

PVA does not oppose **Section 2 of H.R. 2359**, extending the Native American Veteran Housing Loan Pilot Program. As we have discussed above, PVA believes that this program should be made permanent. We do not oppose granting an extension, and we recommend that the reporting requirements, due to expire next year, be made to run permanently or through 2005. PVA does not oppose subsection (c) of Section 2.

Finally, PVA does not oppose **Section 3 of H.R. 2359**. This section would eliminate the requirement for providing a copy of the Notice of Appeal filed with the Court of Appeals for Veterans Claims with the VA.

PVA supports **H.R. 2361**, the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2001.” We do oppose again this year, as we have in the past, the provision rounding down to the nearest whole dollar compensation increases.

The way we treat veterans today will either encourage or discourage the men and women currently contemplating service. This is why it is so important that benefits promised be delivered, and that these benefits maintain their original goals, and their original intentions. The availability, as well as the scope, of benefits sends a clear message concerning the importance of military service to this Nation, to those who are veterans and to those who will be veterans in the future.

This concludes PVA’s testimony concerning benefits-related legislation before this Subcommittee. I will be happy to answer any questions that this Subcommittee may have.

## DAVID M. TUCKER

David M. Tucker is the Senior Associate Legislative Director for the Paralyzed Veterans of America (PVA), a non-profit veterans service organization chartered by the United States Congress. Mr. Tucker has been with PVA since 1993. He is responsible for federal legislation and government relations, including budget and appropriations; tax policy; health care; medical research; compliance with non-profit tax statutes, the Lobby Disclosure Act, gift and ethics rules, and campaign finance provisions; and general legal, judicial, and constitutional issues. He writes regularly for *Paraplegia News*. Prior to coming to PVA, Mr. Tucker was a staff member in the Office of the President and Vice President-Elect and briefly served as a staff member in the Executive Office of the President. While attending law school, Mr. Tucker was a Summer Associate with Central Virginia Legal Aid, served as a Staff Editor of the *Colonial Lawyer* (currently the *Bill of Rights Journal*) and was elected Treasurer of the Student Bar Association. Mr. Tucker has also been affiliated with the Colonial Williamsburg Foundation and the investment house of A.G. Edwards & Sons, Inc..

Mr. Tucker holds degrees from the University of Utah (B.A. 1988) and the College of William & Mary, Marshall-Wythe School of Law (J.D. 1991). He is a member of the Virginia Bar and the American Bar Association. He currently resides in Washington, D.C..

**Information Required by Rule XI 2(g)(4) of the House of Representatives**

Pursuant to Rule XI 2(g)(4) of the House of Representatives, the following information is provided regarding federal grants and contracts.

**Fiscal Year 2001**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$83,000 (estimated as of February 28, 2001).

**Fiscal Year 2000**

General Services Administration —Preparation and presentation of seminars regarding implementation of the Americans With Disabilities Act , 42 U.S.C. §12101, and requirements of the Uniform Federal Accessibility Standards — \$30,000.

Federal Aviation Administration – Accessibility consultation -- \$12,500.

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$200,000.

**Fiscal Year 1999**

General Services Administration —Preparation and presentation of seminars regarding implementation of the Americans With Disabilities Act , 42 U.S.C. §12101, and requirements of the Uniform Federal Accessibility Standards — \$30,000.

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation — National Veterans Legal Services Program— \$240,000.